

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2578 OF 2007

Bhavesh Goradia ...Petitioner

Versus

The State of Maharashtra & Ors. ...Respondents

.....

Mr.Vivek Kantawala i/b M/s.Vivek Kantawala & Co.
for Petitioner.

Mr.Milind More, A.G.P. for Respondent No.1.

Mr.A.B.Katkar with Mr.Dhanure i/b M.V.Kini & Co.
for Respondent No.2.

.....

CORAM: A.M.KHANWILKAR, J.

DECEMBER 12, 2007.

P.C.

1. During the pendency of this Petition, Respondent No.2 has sent communication to the Advocate for the Petitioner on 7th December 2007. In the light of the said communication, Petitioner has no objection to appear in the proposed proceedings and submit relevant materials so as to buttress the stand taken in the present Petition to persuade the concerned authority to drop the

proceedings and assess the liability of the Petitioner in accordance with law.

2. Counsel for the Respondent submits that, that indulgence be shown on Petitioner's depositing further sum of Rs.1,00,000/- (Rupees One Lakh) as provisional payment in addition to the amount of Rs.6,00,000/- (Rupees Six Lakhs) already deposited by the Petitioner with the Authority. The Petitioner has no objection to do so.

3. In the circumstances, this Petition is disposed of on accepting the statement of the Petitioner that the Petitioner will in the first place deposit further sum of Rs.1,00,000/- (Rupees One Lakh) with the appropriate authority and thereafter make necessary representation and produce documents in support of his claim, which material be considered by the Authority in accordance with law. In other words, all issues be examined by the Authority on its own merits in accordance with law.

4. The Petitioner assures to deposit the amount specified above within two weeks from today. The Authority shall proceed with the assessment proceedings and conclude the same not later than four weeks from the date of deposit.

5. Till the decision in the assessment proceedings is arrived at, no precipitative steps be taken by the Respondent. In the event, adverse decision is taken against the Petitioner, the Respondent shall not give effect to the said decision for a period of two weeks from the date of communication of the said decision to the Petitioner.

. Petition disposed off on the above terms.

A.M.KHANWILKAR, J.